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**REGULAR MEETING
CITY COUNCIL
SEPTEMBER 2, 2004**

ROLL CALL:

MR. WOJCIK, MR. MAHONEY, MR. JUDGE, MR. DUNNE, MR. KROGH, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law No. 9 - Intro. #9 Date September 2, 2004
Introduced by Council Members Armet & Mesick
At the request of Administration Seconded by Collier

**LOCAL LAW NO. 9 (Intro. #9) of 2004
A LOCAL LAW § 220-10
BUSINESS HOURS OF MERCANTILE ESTABLISHMENTS**

§ 220-10 Business Hours of Mercantile Establishments.

- A. It is hereby determined that there have been existing within the City certain practices by mercantile establishments which, unless regulated and controlled, will lead to a deterioration of law and order and jeopardize the safety, health, comfort and general welfare of the inhabitants of the City; and it is further determined that such regulation and control properly falls within the jurisdiction for the City Council under the police powers delegated to municipalities by the law of the State of New York.
- B. No mercantile establishment operating within the territorial limits of the City shall be open for transaction of retail business between the hours of 12:00 midnight and 5:00 a.m. on Sunday through Thursday and 1:00 a.m. and 5:00 a.m., Friday and Saturday, without a special business operating permit, excepting: (1) those such establishments which are expressly allowed by the General Laws of the State of New York to so operated during such hours; (2) those establishments whose businesses shall involve primarily the sale of foodstuff and has a square footage of a minimum of 1500 square feet operating space; or (3) those establishments that have six or more operable gasoline pumps.
- C. A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). Said violation shall also be assessed a point value of twelve (12) points, shall be deemed a public nuisance and shall be subject to the enforcement provisions of Section 205, Article III of the Code of the City of Troy.
- D. For purposes of this section, mercantile establishment shall be defined as a place in which goods, wares or merchandise are offered for sale.

**Approved as to form, July 29, 2004
John P. Hicks, Corporation Counsel**

Local Law 9 (Intro #9) ADOPTED by the following vote:

Ayes: 9 - UNANIMOUS

Noes: 0

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**To Mayor, 9/3/04 for Executive Action – Approved, Returned 9/7/04
SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

Ordinance No. 1a **Date** Sept. 2, 2004
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Krogh

**ORDINANCE APPROVING BIDS BY VARIOUS BACK-UP BIDDERS ON CITY
PROPERTIES WHERE THE ORIGINAL BIDDER DID NOT
COMPLETE THE TRANSACTION**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Assessor of the City of Troy is hereby authorized to accept the following bid on the sale of real property of the City of Troy:

Bobby Hosein 472 Tenth Street \$100.00

Section 2. The Mayor of the City of Troy is hereby authorized to execute the deed and supporting papers necessary to complete the sale.

Section 3. This Ordinance shall take effect immediately.

Approved as to form, August 12, 2004
John P. Hicks, Corporation Counsel

Ordinance No. 1 ADOPTED by the following vote:

Ayes: 7

Noes: 2 (Judge, Messick)

**To Mayor 9/3/04 for Executive Action – VETOED, Returned 9/7/04.
SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

Ordinance Ord. 2(1) **Date** Sept. 2, 2004
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Messick

**ORDINANCE APPROVING BIDS BY VARIOUS BIDDERS ON CITY PROPERTIES AT THE
SPECIAL SALE OF JULY 19, 2004**

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The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Assessor of the City of Troy is hereby authorized to accept the following bid on the sale of real property of the City of Troy:

Attalus Properties, LLC 41-43 Third Street

No dollar amount on bid, taxes due: \$3,831.97

Section 2. The Mayor of the City of Troy is hereby authorized to execute the deed and supporting papers necessary to complete the sale.

Section 3. This Ordinance shall take effect immediately.

Approved as to form, August 12, 2004
John P. Hicks, Corporation Counsel

Ordinance 2(1) FAILED by the following vote:

Ayes: 0

Noes: 9 - UNANIMOUS

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. Ord. 2A **Date** Sept. 2, 2004
Withdrawn by Sponsor

Ordinance No. Ord. 2B **Date** Sept. 2, 2004
Withdrawn by Sponsor

Ordinance No. Ord. 2(3) **Date** Sept. 2, 2004
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Krogh

**AMENDED ORDINANCE APPROVING BIDS BY VARIOUS BIDDERS ON CITY
PROPERTIES AT THE SPECIAL SALE OF JULY 19, 2004**

The City of Troy, in City Council, convened, ordains as follows:

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Section 1. The Assessor of the City of Troy is hereby authorized to accept the following bid on the sale of real property of the City of Troy:

Kryptonite Pizza, Inc. 218 Hoosick Street \$100.00

Section 2. The Mayor of the City of Troy is hereby authorized to execute the deed and supporting papers necessary to complete the sale.

Section 3. This Ordinance shall take effect immediately.

Approved as to form, August 12, 2004
John P. Hicks, Corporation Counsel

Ordinance No. 2(3) ADOPTED by the following vote:

Ayes: 9 - Unanimous

Noes: 0

To Mayor 9/3/04 for Executive Action – Approved, Returned 9/7/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Ordinance No. Ord. 3 **Date** Sept. 2, 2004
Introduced by Council Member Judge
At the request of Administration **Seconded by** Armet

**ORDINANCE APPROPRIATING FUNDS FOR THE
UNCLE SAM BIRTHDAY PARADE**

The City of Troy, in City Council convened, ordains as follows:

The City Council hereby authorizes the expenditure of \$4,500 from General Fund Code A7150-432-0000 for the purposes of supporting the Uncle Sam Birthday Parade.

These funds are being allocated in remembrance of Uncle Sam Wilson, our native son. These funds will be used to celebrate the birthday of Uncle Sam and to bring together the citizens of Troy to honor and appreciate our proud heritage.

Approved as to form, August 18, 2004
John P. Hicks, Corporation Counsel

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Ordinance No. 3 ADOPTED by the following vote:

Ayes: 9 - UNANIMOUS

Noes: 0

To Mayor 9/3/04 for Executive Action – Approved, Returned 9/7/04

Ordinance No. Ord. 4 **Date** Sept. 2, 2004
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Judge

**ORDINANCE AMENDING THE 2004 CITY BUDGET
TO ACCEPT FUNDS FROM R.P.I. FOR THE PURCHASE OF CONFINED
SPACE EQUIPMENT**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2004 City Budget is hereby amended to accept funds within the 2004 Fire Department Operating Budget as provided in Schedule “A” entitled:

“Fire Department Confined Space Equipment”

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, August 16, 2004
John Hicks, Corporation Counsel

Ordinance No. 4 ADOPTED by the following vote:

Ayes: 9 - UNANIMOUS

Noes: 0

**To Mayor 9/3/04, for Executive Action – Approved, Returned 9/7/04
SEE SUPPORT DOCUMENTATION WITH LEGISLATION**

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Ordinance No. Ord. 5 Date Sept. 2, 2004
Introduced by Council Member Armet
At the request of Administration Seconded by Collier

**ORDINANCE AMENDING THE 2004 CITY BUDGET
TO TRANSFER FUNDS WITHIN 2004 BUDGET TO SUPPORT THE EXPENSE
OF TRAINING NEW FIREFIGHTERS IN
THE FIRE BUREAU.**

The City of Troy, convened in city Council, ordains as follows:

Section 1. The 2004 City Budget is hereby amended to transfer funds within the 2004 Fire Department Operating Budget as provided in Schedule "A" entitled:

"Fire Department Budget Transfer"

which is attached hereto and made a part hereof.

Section 2. This act shall take effect immediately.

Approved as to form, August 17, 2004
John Hicks, Corporation Counsel

Ordinance No. 5 ADOPTED by the following vote:

Ayes: 9 UNANIMOUS

Noes: 0

To Mayor 9/3/04 for Executive Action – Approved, Returned 9/7/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Schedule A Attached to Minutes.

Ordinance No. Ord 6 Date Sept. 2, 2004
Introduced by Council Members Collier, DerGurahian & Wojcik
At the request of _____ Seconded by Judge

ORDINANCE AMENDING CHAPTER 195 "LOITERING" BY ADDING:

SECTION 195 –A "CURFEW"

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The City of Troy, NY, in City Council, convened, ordains as follows:

Chapter 195 entitled "Loitering" of the Troy City Code of Ordinances is hereby amended by adding section 195-A entitled "Curfew", to follow section 195-4 as under a separate sub-heading of "Curfew" to read as follows:

195-A "CURFEW"

195-A-1: Statement of Purpose and Findings: The City Council of the City of Troy has determined that large numbers of minors have been congregating in the City after dark causing general disturbances to the residents, peace and order of the City. In an effort to reduce juvenile crime, protect the children of the City of Troy and reinforce parental authority, it is necessary that a curfew be established and maintained to keep minors out of public areas after dark.

195-A-2: Restrictions: It shall be unlawful for any child under eighteen years of age, who is not in the presence of a parent or legal guardian, to remain in, upon or about any public street, highway, park, vacant lot, or any other public place between the hours of 10:30 p.m. and 6:00 a.m. Sunday through Thursday and 11:30 p.m. and 6:00 a.m. on Friday and Saturday. Except as otherwise provided by law.

195-A-3: Penalties for Violation:

(i) In the case of a first violation of this ordinance the police department shall send a letter, with a copy of the violation notice, to the parents or legal guardian of the minor. This notice shall be a warning to the parents that an additional violation of this ordinance shall result in the imposition of a fine and community service as provided by law.

(ii) In the case of a second violation of this ordinance the police shall send a letter, with a copy of the violation notice, to the parents or legal guardian of the minor. The penalties imposed for a second violation of this ordinance shall be a fine of \$100.00 and 25 hours of community service which shall be performed by a parent or legal guardian together with the minor.

(iii) In the case of a third violation, and all subsequent violations thereafter, of this ordinance, the penalties imposed shall be pursuant to (ii) above and the police shall notify the department of social services and/or child protective services as necessary and appropriate.

(iv) The penalties imposed for a violation of this ordinance by a child age 16 or 17 shall be the penalties defined herein however, the penalties are imposed on the minor rather than the parents and/or legal guardian.

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195-A-4 Legality and Severability: In the event any word, phrase, sentence, paragraph or part therein is declared illegal and/or unconstitutional by a court of competent jurisdiction, the same shall be redacted, and the remainder of the ordinance shall remain in full force and effect

195-A-5: Affirmative Defenses: The following are a list of affirmative defenses which the defendant and/or his/her parents, legal guardian and/or attorney may present as a defense to a charge in violation of the "Curfew" ordinance herein:

- (a) Emergency situation
- (b) Returning to home from employment
- (c) Engaged in religious observation and/or practice
- (d) Returning home from a scholastic event and/or activity
- (e) All other constitutional defenses allowed provided for under New York State Penal Law(PL) and Criminal Procedure Law (CPL).

195-A-6: Any and all other ordinances that may or may not exist identifying a "curfew" violation, that is not authorized under Chapter 195 or 195-A is hereby repealed and is not enforceable.

195-A-7: This ordinance shall take effect immediately.

Approved as to form, September 1, 2004
David B. Mitchell, Corporation Counsel
Chief Deputy

Ordinance No. 6 ADOPTED by the following vote:

Ayes: 9 - UNANIMOUS

Noes: 0

To Mayor 9/3/04 for Executive Action – Approved, Returned 9/7/04

Resolution No. Res. 1 **Date** Sept. 2, 2004
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Krogh

RESOLUTION APPOINTING COMMISSSIONERS OF DEEDS

Raymond Williams
Scott Schmiedeshoff
Frances Valenti
Mary Ann Franco

450 Eighth Street
1318 Peoples Avenue
105 Third Street
105 Third Street

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Richard B. Lewis
Helen Cohen
Robert Armet
Arlene Cahill

507B Grand Street
Congress & Second Streets
145 Delaware Avenue
5 – 115th Street

Resolution No. 1 ADOPTED by the following vote:

Ayes: 9 - UNANIMOUS

Noes: 0

To Mayor 9/3/04 for Executive Action – Approved, Returned 9/7/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

Resolution No. _____ Res. 2 _____ Date Sept. 2, 2004 _____
Withdrawn by Sponsor